

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAYMOND JAQUEZ and MULTI-VITAMIN ENERGY CORP.,

Plaintiff(s),

- v -

ENERGY BRANDS, INC.,

Defendant(s).
-----X

USDC SDNY
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DOC #:
DATE FILED: 9/20/10

Case Management Plan

10 CV. 4972 (RMB)

The following Case Management Plan is entered after consultation with the parties. This Plan is also a Rule 16 and Rule 26(f) scheduling order as required by the Federal Rules of Civil Procedure.

- (i) Joinder of additional parties by December 15, 2010
- (ii) Amend the pleadings by December 15, 2010
- (iii) All discovery to be expeditiously completed by ~~May 12, 2011~~ **JAN. 21, 2011** **at 9:00am**
- (iv) Consent to Proceed before Magistrate Judge Yes **JAN 25, 2011 with purple**
- (v) Status of settlement discussions Energy Brands is willing to discuss a settlement that includes modification to the trade dress and a reasonable transition period to avoid any disruption to Multi-Vitamin's sales. Multi-Vitamin has rejected the offer and believes that no progress has been made.

Sections vi through xi will be set at conference with the Court.

- (vi) Motions
- (vii) Oral Argument
- (viii) Joint Pre-Trial Order to be submitted by
- (ix) Final Pre-Trial Conference
- (x) Trial
- (xi) Other

SO ORDERED: New York, New York

9/20/10

RMB

Hon. Richard M. Berman, U.S.D.J.